REMARKS

Summary of the Office Action

In the Office Action, claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,683,322 to Jackson et al. (hereinafter "Jackson").

Claims 4-5 are allowed.

Summary of the Response to the Office Action

Applicant has amended claim 1 and added new claim 6 to differently describe embodiments of the instant application. Accordingly, claims 1-6 are currently pending for consideration.

The Rejections under 35 U.S.C. §§ 102(e)

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jackson. To the extent that this rejection might be deemed to still apply to the claims as newly-amended, they are respectfully traversed as follows.

The Office Action applies Jackson as allegedly meeting all of the limitations of claims 1-3. While the Examiner refers to Fig. 1, it appears that this is a typographical error in the Office Action. The Examiner might have instead intended to refer to Fig. 3 in this regard. With regard to independent claim 1, the Examiner alleges that "an organic memory layer would be consider as the current voltage apply in memory layer as described in the specification of page 6, lines 20-24." In particular, the Examiner refers to col. 6, lines 2-4 of Jackson which teaches that the "logical state of each memory

element is determined by applying a voltage or current to the first electrode, and measuring the resulting current passing through or the resulting voltage developed on the second electrode associated with the memory element to determine the resistive state of the memory element."

Applicant respectfully traverses this interpretation of Jackson at least because claim 1 specifically recites "an organic memory layer formed on said plurality of first electrode lines." This organic memory layer is recited in claim 1 as an additional element from the separately-provided "plurality of first electrode lines." The Office Action appears to be alleging that applying current or voltage to the first conductive layer 320 of Jackson meets the limitation of "an organic memory layer formed on said plurality of first electrode lines." Such an interpretation is untenable because Jackson does not recite a separate organic memory layer on the plurality of first electrode lines in accordance with the Office Action's stated interpretations of the remaining elements recited in claim 1.

However, assuming, strictly arguendo, that the electrode 360 of Jackson might be interpreted as the first electrode line of claim 1 and the organic switch layer 350 of Jackson might be interpreted as an organic memory layer formed on the first electrode line 360, Applicant has opted to amend claim 1 to recite "a plurality of first electrode lines formed directly on a substrate" in order to avoid such an interpretation.

Applicants respectfully assert that the rejection under 35 U.S.C. § 102(e) should be withdrawn because Jackson does not teach or suggest each feature of independent claim 1. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that dependent claims 2-3 are allowable at least because of the dependence from independent claim 1, and the reasons set forth above. The Examiner is thanked for the indication that claims 4-5 are allowed.

Newly-Added Claim 6

Claim 6 has been newly-added to differently describe an embodiment of the instant application. Claim 6 is in condition for allowance at least because of its dependence on independent claim 1, and the reasons set forth above. Newly-added claim 6 recites that "said semiconductor diode layer is an organic semiconductor diode layer (emphasis added)." According to this embodiment, the memory layer and the semiconductor diode layer can be formed through an identical process. In particular, the organic material forming process is used for forming both of these layers. As a result, the overall manufacturing process is simplified and manufacturing costs are decreased.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests withdrawal of all outstanding rejections and the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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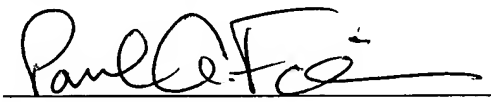
Dated: March 17, 2005 By: 

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